

MINUTES
CLAY COUNTY BOARD OF ADJUSTMENT
5:00 PM, TUESDAY, FEBRUARY 23, 2016
MEETING ROOM B, CLAY COUNTY COURTHOUSE

Members Present: Pamela Harper, Paul Krabbenhoft, Amos Baer (Planning Commission Chairman)

Members Absent: Perry Bushaw, Greg Anderson

Others Present: Tim Magnusson, Colleen Eck, Jenny Samarzja, David Sogn, Jeff Rehder, Josh West

On motion by Paul Krabbenhoft, seconded by Pamela Harper, and unanimously carried, the Board approved the agenda as written.

On motion by Pamela Harper, seconded by Paul Krabbenhoft, and unanimously carried, the Board approved the minutes from January 26, 2016 as written.

Amos Baer, the newly appointed chairman from the Planning Commission, called the meeting to order at 7:15 p.m. and read the agenda. (The meeting was delayed due to a lack of quorum at 5:00 p.m.)

SUMMIT SAND AND GRAVEL (HAVERKAMP) – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to allow operation of a gravel mine as close as zero (0) feet from an adjoining property line. The Clay County Land Development Code requires a setback of at least one hundred (100) feet from mining operations to an adjoining lot line. The affected property is located in the East Half SW Quarter and SW Quarter SE Quarter, Section 16, T141N, R45W (Keene Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Paul Krabbenhoft, seconded by Pamela Harper, and unanimously carried, the Board opened the public hearing.

Tim Magnusson, Planning Director, provided an aerial view of the property. He noted that there is an existing mine area on the adjacent property to the east. The applicant has made this request in order to more efficiently mine the property and to recover as much resource as possible and not leave an un-farmable 200 foot strip between two gravel mines. The variances would literally join the mining operation together and there would be a joint reclamation plan in the end which would suit both property owners. The common line between the parcels is 750 feet long. If no variance is granted the applicant would not be allowed to mine a substantial deposit of the gravel reserves located on the property resulting in a loss of aggregate products. The applications for the Interim Use Permits for mining will be heard following this meeting.

Magnusson noted that if the intent of the Ordinance is to allow aggregate mining in this zone in the most efficient and economical way, it may be wise to consider allowing mines on adjacent properties to join together at the property line.

The applicant, Dave Sogn, stated that the company leases both properties and both landowners indicated that this is how they prefer to have it mined: through to the property lines. They plan to reclaim as they

mine, establishing a line. They plan to be in there as early as May of this year and within a year or two, it could be all mined out. There are approximately 2,200 tons of material per acre. He noted that seven years would be adequate.

On motion by Pamela Harper, seconded by Paul Krabbenhoft, and unanimously carried, the Board closed the public hearing.

Krabbenhoft noted that at least two variances have been issued within the last year with the same situation. He added that this is an obvious practical difficulty, and the overall plan will be a real plus for reclamation and future agricultural uses.

Magnusson added that there are two different parcels and two property owners.

On motion by Pamela Harper, seconded by Paul Krabbenhoft, and unanimously carried, the Board approved the request for a variance to allow the mining of gravel up to the eastern property line, adjacent to the Rodewald property, due to practical difficulties and with the following condition(s):

- 1) Both property owners must present a signed statement agreement that they approve of the proposal, to allow mining up to the property line. Provide copies to the Planning Office.**
- 2) Mining area on the adjacent property (Rodewald) shall not exceed 12 acres and mining area on the Haverkamp property shall not exceed 39 acres.**
- 3) No mining in the 100 foot setback area shall take place until an IUP for mining and a variance for property line setback are issued on both the Haverkamp property and Rodewald property.**
- 4) No mining in the 100 foot setback area shall take place until a joint reclamation plan (intended to cover both the Rodewald and Haverkamp pits) is developed, submitted, and approved by the Planning Office.**

SUMMIT SAND AND GRAVEL (RODENWALD) – REQUEST FOR VARIANCE

The applicant is seeking approval of a variance to allow operation of a gravel mine as close as zero (0) feet from an adjoining property line. The Clay County Land Development Code requires a setback of at least one hundred (100) feet from mining operations to an adjoining lot line. The affected property is located in the North Half SE Quarter and SE Quarter SE Quarter, less 10 acres, Section 16, T141N, R45W (Keene Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Paul Krabbenhoft, seconded by Pamela Harper, and unanimously carried, the Board opened the public hearing.

Tim Magnusson, Planning Director, provided an aerial view of the property. He noted that there is an existing mine area on the adjacent property to the west. The applicant has made this request in order to more efficiently mine the property and to recover as much resource as possible and not leave an un-farmable 200 foot strip between two gravel mines. The variances would literally join the mining

operation together and there would be a joint reclamation plan in the end which would suit both property owners. The common line between the parcels is 750 feet long. If no variance is granted the applicant would not be allowed to mine a substantial deposit of the gravel reserves located on the property resulting in a loss of aggregate products. The applications for the Interim Use permits will be following this meeting.

Magnusson noted that if the intent of the Ordinance is to allow aggregate mining in this zone in the most efficient and economical way, it may be wise to consider allowing mines on adjacent properties to join together at the property line.

The applicant, Dave Sogn, stated that the company leases both properties and both landowners indicated that this is how they prefer to have it mined: through to the property lines. They plan to reclaim as they mine, establishing a line. They plan to be in there as early as May of this year and within a year or two, it could be all mined out. There are approximately 2,200 tons of material per acre. He noted that seven years would be adequate.

Pamela Harper asked about previous mining on the Rodewald property. The applicant stated that there was some mining done there in the late 90s, but there is still more material to be mined. Trees have grown up in that area which will be removed and used for firewood so that area can also be reclaimed and used for agriculture in the future.

On motion by Pamela Harper, seconded by Paul Krabbenhoft, and unanimously carried, the Board closed the public hearing.

On motion by Paul Krabbenhoft, seconded by Pamela Harper, and unanimously carried, the Board approved the request for a variance to allow the mining of gravel up to the western property line of the Rodewald property due to practical difficulties and with the following condition(s):

- 1) Both property owners must present a signed statement agreement that they approve of the proposal, to allow mining up to the property line. Provide copies to the Planning Office.**
- 2) Mining area on the adjacent property (Haverkamp) shall not exceed 40 acres.**
- 3) No mining in the 100 foot setback area shall take place until an IUP for mining and a variance for property line setback are issued on both the Rodewald property (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and Haverkamp property.**
- 4) No mining in the 100 foot setback area shall take place until a joint reclamation plan (intended to cover both the Rodewald and Haverkamp pits) is developed, submitted, and approved by the Planning Office.**

On motion by Paul Krabbenhoft, and seconded by Pamela Harper, the meeting was adjourned at 7:35 p.m.